

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:12-CV-113-FDW-DCK**

PRIMO PRODUCTS, LLC,)
)
 Plaintiff,)
)
 v.)
)
 ELECTROTEMP TECHNOLOGIES)
 CHINA, INC.,)
)
 Defendant.)
 _____)

ORDER

THIS MATTER IS BEFORE THE COURT on the parties’ “Joint Motion To Stay The Initial Attorney’s Conference” (Document No. 19) filed June 15, 2012. This motion has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b), and immediate review is appropriate. Having carefully considered the motion and the record, the undersigned will grant the motion, with modification.

The parties’ motion requests a stay of the requirement to conduct an Initial Attorney’s Conference within fourteen (14) days of filing of “Defendant Electrotemp’s Answer To Complaint” (Document No. 18), and that the deadline for completing an Initial Attorney’s Conference be extended through August 1, 2012. (Document No. 19); see also, Local Rule 16.1. The current motion notes that the Court’s “Order” (Document No. 15) issued on May 2, 2012, “provided that this action would be stayed when the parties formally enter arbitration, but not during the time that the parties were engaged in non-binding mediation.” Id. The motion reports that the parties will be conducting non-binding mediation on June 27-28, 2012. Id.

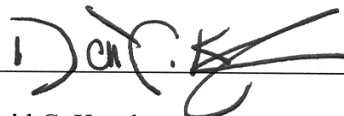
The undersigned observes that in denying in part the parties “Joint Motion To Stay” (Document No. 14) Judge Whitney specifically instructed that “[u]ntil the parties enter

arbitration they are to continue to follow the Court's Standing Order Governing Civil Case Management, No. 3:07-MC-47, and the Federal Rules of Civil Procedure, including all rules regarding discovery, filing an answer, **and participating in an attorney conference pursuant to Fed. R. Civ. P. 26(f).**" (Document No. 15) (emphasis added).

Based on the Court's previous Order, the current motion will be granted with modification. It is clear from that Order that the presiding district judge intends to keep this lawsuit moving forward pursuant to his Standing Order until the parties formally enter arbitration, or otherwise settle this matter. (Document No. 15).

IT IS, THEREFORE, ORDERED that the parties' "Joint Motion To Stay The Initial Attorney's Conference" (Document No. 19) is **GRANTED**. The parties shall have up to and including **July 9, 2012** to conduct an Initial Attorney's Conference.

Signed: June 15, 2012



David C. Keesler
United States Magistrate Judge

